

CHAPTER – 22 Civil Rights, Labor, and DBE

Insert in “General Inspection” section:

1. Ability to communicate with and to interview contractor and subcontractor’s employees.

Insert in “Preparation For Inspection:” section:

1. Inspector discusses with Resident Engineer, Office Manager, or Office Tech IV the Civil Rights, DBE and Labor requirements for the assigned Federally funded project, including:
 - a. DBE subcontractors including race conscious and race neutral.
 - b. Trucking subcontractors hauling on the site-of-work.
 - c. DBE trucking subcontractor, if there is one.
 - d. Trucking Owner/Operators, if any.
 - e. Subcontractors (all other).
 - f. Contractor’s Trainee/Apprentices and ratio requirements.
 - g. Forms: C-131 EEO Bulletin Board Project Review; C-136 Labor and EEO Interview of Workers; C-141 Commercially Useful Function Report (CUF); FHWA 1273 Required Contract Provisions Federal-Aid Construction Contracts.

Insert after “Electronic Field Book (Ipaq’s)” section:

Civil Rights, Labor and Disadvantaged Business Enterprises (DBE):

1. Review FHWA 1273 document to become familiar with the Federal EEO and Labor requirements for Federal Aid projects. Review Special Provision contained in contract, XII. Bid Conditions Disadvantaged Business Enterprise (DBE) section F Counting DBE Participation Toward Goals for Performance. Review form C-141 Commercially Useful Function Report for information regarding DBE performance.
2. The inspector must be aware of disparate treatment, discrimination, or harassment, intimidation or coercion occurring on the project. If any is observed, the Resident Engineer (RE), Tech IV, or Office Manager must be notified.
3. The inspector may be assigned to do Labor and EEO interviews of contractor employees using form C-136. Interviews must be taken

during working hours and not during lunch or breaks. Due to the confidentiality of the interviews, they are to be done away from other employees and a contractor's supervisor or foreman may not be present. All information given by the employee must be held in the strictest confidence, to only be seen by representatives of the STA, FHWA, or USDOL.

4. The inspector must be aware of the trucking operation being performed on the project, noting if the hauling is being done directly on the site-of-work. If hauling is directly on the site-of-work, employees of the trucking firm are to be interviewed. If hauling is done by Owner/Operators, directly on the site-of-work, inspector must check drivers license of driver with registration of truck to ensure the owner and driver are the same. If they are not, Resident Engineer must be notified. If DBE subcontractor does hauling, trucks must be identified with company name or logo.
5. The inspector must be aware of the operation of the DBE performing on the project. See form C-141 regarding what to watch for. If assigned by the RE, use form C-141 for performance report.
6. The inspector must be aware of work being done by different subcontractors and contractor employees. On a random basis, note type of work being done, company doing the work, and date, and report such to Tech IV or Office Manager so payrolls may be checked to see if employees are being classified correctly and if correct wages are being paid.
7. Contractor or subcontractor employee to report a complaint may approach inspector. Get employee name, company worked for, complaint and date of occurrence as well as date reported to inspector. Information given by the employee is held in strictest of confidence and must be reported to the RE, Tech IV, or Office Manager immediately. Do not promise the employee anything other than STA will check into the situation.
8. Inspector must be aware of trainees or apprentices assigned to the project and make note of when they started working. Also observe work trainee or apprentice is doing to ensure being trained in proper program. Note whether correct ratio of journeyman vs. trainee or apprentice is complied with. Report any problems to the RE, Tech IV, or Office Manager.
9. Inspector may be assigned to do the contractor's bulletin board inspection. Use form C-131 to accomplish this task.

Spec.	Inspection Level	Inspection Objective	Inspector Activity
0820 1.18-1.19	Important	<p>Before trucking company begins work ensure trucking subcontracts are in place for on-site hauling, or, on Federal-aid project, hauling by DBE firm.</p> <p>Ensure DBE trucks are properly identified with name or logo of DBE company.</p> <p>Ensure employee driving truck is being paid correct wages for on-site hauling</p> <p>Ensure Owner/Operator, if hauling on site, is actual owner of truck being driven.</p>	<p>Check with UDOT project office for trucking subcontracts.</p> <p>Note when hauling starts for project, and by whom.</p> <p>Observe trucking operation for on-site hauling or if hauling is to and from project site.</p> <p>If hauling on site, interview truck driver to determine company doing hauling and the rate of pay for driver.</p> <p>If driver is owner / operator hauling on site, check registration of truck and driver's license to determine ownership of truck.</p>
DBE Special Provision	Important – Federal-aid projects	<p>Ensure DBE is doing own work with own employees.</p> <p>Ensure DBE is using own equipment.</p> <p>Ensure DBE has a Supervisor on project.</p>	<p>Complete CUF Form C-141.</p> <p>Interview DBE's employees regarding:</p> <ul style="list-style-type: none"> • who they work for • type of work they are doing

			<ul style="list-style-type: none"> who is supervisor
00820 1.6	Important – Federal-aid projects	<p>Ensure there is no discrimination of contractor employees because of race, religion, color, sex, age, disability, or national origin.</p> <p>Ensure employees are aware of EEO and have been informed regarding harassment, intimidation and coercion.</p>	<p>Observe the employer/employee relationships while they perform work on the project. Watch for discrimination, foul language, and/or harassment.</p> <p>Using Form C-136 interview contractor employees.</p>
FHWA 1273 IV	Important – Federal-aid projects	Ensure contractor employees are being paid the correct wages, including overtime, for the classification of work being performed.	Interview contractor employees using Form C-136.
FHWA 1273 II 6	Important – Federal-aid projects	<p>Ensure trainee/apprentice employees are being trained in the classification designated in their certification.</p> <p>Ensure contractor is complying with ratio of journeyman to apprentice on daily basis.</p>	<p>Identify trainee/apprentices on the project.</p> <p>Observe and interview trainee/apprentices regarding OJT.</p> <p>Note journeyman present in each craft in which apprentices are employed.</p>

NOTES:

This image shows a blank sheet of white paper with horizontal ruling lines. There are 20 lines in total, evenly spaced from top to bottom. Each line begins with a small, dark gray arrowhead pointing to the right. The lines extend across the width of the page, leaving a small margin on the left side where the arrowheads are located.

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